

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELYSE MCKENNA,

Plaintiff,

v.

**ROBERT F. RILEY, an individual,
RILEY & HURLEY, P.C. a domestic
professional corporation,
OLSMAN, MACKENZIE,
PEACOCK, P.C. a domestic professional
corporation,**

Defendants.

Case No: 24-cv-12347
Hon. Judge Brandy R. McMillion

**DEFENDANT OMP'S
RESPONSE TO
PLAINTIFF'S COUNSEL'S
MOTION TO WITHDRAW
AND FOR TEMPORARY
STAY OF PROCEEDINGS**

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INDEX OF AUTHORITIES

Cases

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Response to Motion and Brief

1. Defendant OMP concurs in Goodman Kalahar and McGinn Montoya Love Curry & Sievers PA's request to withdraw as counsel for Plaintiff.
2. Defendant OMP opposes counsel's request for a stay of the proceedings in this case and instead agrees to a 28-day extension of the parties' currently pending deadlines (to amend pleadings and supplement production).

Discussion

This case was filed by Plaintiff, a licensed attorney, in *pro se*, nine months ago, on September 9, 2024. ECF No. 1. Plaintiff's operative Second Amended Complaint (ECF No. 23) is 363 paragraphs and 77 pages long. Plaintiff alleges 10 total legal counts, 6 of which are against Defendant OMP. The case involves significant claims of wrongdoing by Plaintiff that place Defendants' personal and professional reputations as attorneys at stake.

Six months then elapsed due to multiple amendments to Plaintiff's complaint, and her instigation of lengthy, and ultimately unsuccessful, motion practice on ancillary issues. Discovery began on March 20, 2025. At Plaintiff's request, the Court set a one-year period for discovery, with a fact discovery cutoff of March 6, 2026 and an expert discovery cutoff of June 5, 2026. Trial is set for February 9, 2027. ECF No. 51. In the three months of discovery that has elapsed so far, the Riley and OMP Defendants worked diligently to move discovery forward, with little result. Nearly three months after Defendant OMP served its first discovery, Plaintiff's production remains

incomplete. **Ex. 1**, OMP First Discovery. After significant effort by Defendants, her depositions are set for August 11 and 12, 2025. **Ex. 2**, Notices of Pl. Depositions. A discovery dispute has arisen regarding Plaintiff's refusal to provide significant discovery material based on unfounded assertions of the marital and attorney-client privileges. **Ex. 3**, Req. for Telephone Conference.

Defendant OMP would be prejudiced by a stay of this case. It has already expended extensive time and resources to review and respond to multiple, lengthy complaints, obtain basic, if only partial discovery responses from Plaintiff, and set her deposition. A discovery dispute has arisen that needs resolution, and depositions are approaching. A quarter of the discovery period has already elapsed. A stay would only compound the already taxing delay caused by Plaintiff in discovery. Accordingly, Defendant OMP offered to extend the parties' currently pending deadlines to amend the pleadings and supplement discovery responses by 28 days, for Plaintiff to find new counsel or otherwise proceed with the case. This extension would allow Plaintiff time to find new counsel and keep discovery on track without more unnecessary delay or expense.

The 28-day extension proposed here is in line with the Court's orders in other matters, including where, unlike Plaintiff, litigants could not proceed without an attorney, and significant court-ordered deadlines were pending. *See 1-800 Water Damage Int'l, LLC v. Restoration RX, LLC*, No. CV 24-10110, 2025 WL 77243, at *1 (E.D. Mich. Jan. 10, 2025) (30 days granted to corporation to find new counsel); *see also Liberty Ins.*

Corp v. Diagnostic Chiropractic MI, PC, No. CV 24-10831, 2024 WL 5286840, at *1 (E.D. Mich. Dec. 17, 2024) (same); *see also Davidson v. City of Alma*, No. 1:17-CV-12686, 2019 WL 1271038, at *1 (E.D. Mich. Feb. 22, 2019), *report and recommendation adopted*, No. 1:17-CV-12686, 2019 WL 1255214 (E.D. Mich. Mar. 19, 2019) (individual plaintiff given 30 days to find new counsel); *see also Emma S. v. O'Malley*, No. 2:24-CV-12263, 2024 WL 5357152, at *1 (E.D. Mich. Dec. 26, 2024) (individual plaintiff given 30 days to find new counsel and extension of deadline to respond to motion for summary judgment).

Plaintiff is a licensed attorney who initially filed this case *pro se*, and who should be capable of taking appropriate action to move it forward in a timely fashion, if necessary. A 28-day extension of the deadlines set for the amendment of pleadings and supplemental production is more than sufficient, particularly given that Plaintiff is an attorney, and has already acted as attorney of record in this case. Defendants should not bear the burden of further time and expense associated with Plaintiff's refusal or inability to efficiently participate in the discovery process and move her case forward.

In sum, Defendant OMP concurs in Goodman Kalahar and McGinn Montoya Love Curry & Sievers PA's request to withdraw as counsel for Plaintiff. Given the circumstances presented here, Defendant OMP respectfully requests that the Court deny Plaintiff's request for a stay of the proceedings, and grant Plaintiff a 28-day extension during which to find new counsel or otherwise proceed with the case.

Dated: June 9, 2025

Respectfully submitted,

DEBORAH GORDON LAW

/s/ Deborah L. Gordon

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CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2025, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing and service of said documents to all parties through their counsel of record.

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/s/ Deborah L. Gordon

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